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Client/Matter: 009270-0308987

### REMARKS

By this Amendment, claims 1-12 are amended. No claims are canceled or added. Accordingly, after entry of this Amendment, claims 1-12 will remain pending.

In the Office Action dated July 22, 2005, the Examiner objected to the heading for the Abstract. In response, the Applicant supplies herewith a new Abstract with a new heading. The Applicant believes that the new Abstract and heading address the Examiner's objection. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to the Abstract.

In the Office Action, the Examiner objected to claims 1, 5, 7, 10, and 12, stating that the word "potion" should be ~~portion~~. The Applicant has made the appropriate correction to this typographical error and thanks the Examiner for bringing this error to the Applicant's attention. As this error has been addressed by the amendments presented above, the Applicant respectfully requests that the Examiner withdraw this objection to the claims.

For various reasons, claims 1-7 and 10-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. The Applicant has amended the claims and believes that the amendments address each of the Examiner's rejections. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1, 2, 3, and 10 under 35 U.S.C. § 102(b) as anticipated by Cheung (U.S. Patent No. 6,345,921). Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cheung in view of DiNatale et al. (U.S. Patent No. 6,863,272). The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as unpatentable over Cheung in view of Mitzel et al. (U.S. Patent No. 4,324,394). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheung and Mitzel et al. in view of Stievenart et al. (U.S. Patent No. 4,348,019). Finally, claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over Cheung and Mitzel et al. in view of Yokota (JP 62-140948). The Applicant respectfully disagrees with each of these rejections and, therefore, respectfully traverses the same.

Claims 1, 2, 3, and 10 are not anticipated by Cheung because the claims recite a sheet take-out apparatus that combines a number of features including, among them, an air spout unit to spout out air toward a right or left side of a front portion of the sheets with respect to

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the taking-out direction, a take-out unit, and a depression member to depress the sheets on a rear portion of the sheets behind a central portion of the sheets with respect to the taking-out direction. Since Cheung does not describe at least this combination of features, Cheung cannot be relied upon to anticipate any of claims 1, 2, 3, and 10.

In contrast to the present invention, Cheung describes a sheet feeding apparatus where a nozzle 18 drives a sheet 11 from a stack of sheets by supplying a forces to the rear side 26 of the sheet 11. (Cheung at col. 5, lines 41-47.) A downward force from a nip wheel 54 (Fig. 5), a pin-like element (Fig. 4), or a foot-like element (Fig. 6) holds the remaining sheets in the stack in place while the top sheet 11 is removed therefrom. (Cheung at col. 5, lines 54-62.)

Alternatively, Cheung describes the use of air jet nozzles 96, 98, 100, 102 to lift a single sheet from a tray-like work station 74. (Cheung at col. 7, lines 25-45.) The tray-like work station 74 may be a work station that is able to pass electromagnetic energy 82 emanating from a region under the bottom of the window-like bottom surface 78. (Cheung at col. 6, lines 54-59.) The tray-like work station 74 may be a document scanner or a writer, for example. (Cheung at col. 6, lines 59-65.)

As the foregoing make apparent, therefore, Cheung describes two separate environments for the sheet feeding apparatus. The first environment is a sheet feeding apparatus where a sheet is removed from a stack of sheets. (See, e.g., Fig. 5.) The second environment is where a sheet is removed from an underlying surface. (See, e.g., Fig. 10.) In the first environment, a downward force is needed to retain the sheets remaining in the stack of sheets. In the second environment, no such downward force is needed because the objective is to remove the single sheet from the tray-like work environment 74. In either case, there is no discussion of a sheet take-out apparatus that combines a number of features including, among them, an air spout unit to spout out air toward a right or left side of a front portion of the sheets with respect to the taking-out direction, a take-out unit, and a depression member to depress the sheets on a rear portion of the sheets behind a central portion of the sheets with respect to the taking-out direction. Accordingly, Cheung does not describe each and every feature as recited by claims 1, 2, 3, and 10 and cannot be relied upon to anticipate those claims.

Turning now to the Examiner's rejection of claims 5 and 6, the Applicant respectfully submits that reliance on Cheung is misplaced at least for the same reasons noted with respect to claims 1, 2, 3, and 10. In addition, Cheung does not describe an air jet nozzle to depress

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the sheets against the sheet-feeding member. For this additional reason, Cheung cannot be relied upon to fashion a rejection of the claims.

DiNatale et al. does not assist the Examiner with his rejection of the claims. DiNatale et al. describes a fluffer 140 that injects air between the sheets in the stack via opening 415, 416. (DiNatale et al. at col. 5, lines 1-4.) The fluffer 140 includes an air bearing surface 400 provide a downward force on the trailing edge of the sheet. (DiNatale et al. at col. 5, lines 26-34.) A feeder plenum 58 located above the stack 56 draws paper towards itself via a vacuum. (DiNatale et al. at col. 5, lines 35-44.)

As is apparent, the combination of Cheung and DiNatale et al. fails to suggest a sheet take-out apparatus that combines a number of features including, among them, an air spout unit to spout out air toward a right or left side of a front portion of the sheets with respect to the taking-out direction, a take-out unit, and a depression member to depress the sheets on a rear portion of the sheets behind a central portion of the sheets with respect to the taking-out direction. Moreover, there is no motivation provided in either reference to suggest that portions of either reference may be combined to arrive at any part of the invention as presently claimed by the above-captioned patent application.

Concerning the rejection of claims 7 and 8, the Applicant respectfully submits that Mitzel et al. cannot be combined properly with Cheung to render these claims obvious. As noted above, Cheung is deficient for several reasons. Mitzel et al. does not cure the deficiencies noted with respect to Cheung. Mitzel et al. merely describes a device for separating record carrying items having a retaining drum 211 and a feed drum 212. (Mitzel et al. at col. 7, lines 3-13.) This, by itself, does not assist the Examiner in fashioning a rejection of claims 7 and 8. Simply, the references do not suggest a sheet take-out apparatus that combines a number of features including, among them, an air spout unit to spout out air toward a right or left side of a front portion of the sheets with respect to the taking-out direction, a take-out unit, and a depression member to depress the sheets on a rear portion of the sheets behind a central portion of the sheets with respect to the taking-out direction. Accordingly, the references cannot be combined to render claims 7 and 8 obvious.

With respect to claim 9, Stievenart et al. does not cure the deficiencies noted with respect to Cheung and Mitzel et al. Accordingly, the Applicant respectfully submits that the additional assertion of Stievenart et al. does not assist the Examiner in fashioning a proper rejection for obviousness. Similarly, the Applicant respectfully submits that Yokota does not

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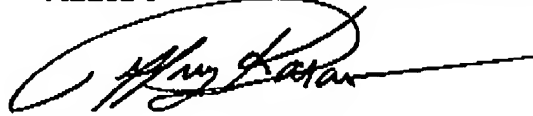
supply the deficiencies noted above and, therefore, cannot be combined with Cheung to render claim 11 obvious.

All of the rejections having been addressed, the Applicant respectfully requests that the Examiner reconsider the objections and rejections, withdraw the same, and pass this application quickly to issue.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



JEFFREY D. KARCESKI

Reg. No. 35914

Tel. No. 703 770.7510

Fax No. 703 770.7901

Date: December 22, 2005  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900